

**Village of Cold Spring
Code Update Committee
September 24, 2015**

The Code Update Committee of the Village of Cold Spring held a meeting on Thursday, September 24, 2015 at 7:00 PM at the Village Hall, 85 Main Street, Cold Spring NY

Attending were Board members: Carolyn Bachan, Nora Hart, Donald Mac Donald and Ethan Timm; Trustee Marie Early; and Greenplan consultant Ted fink.

Trustee Marie Early opened the meeting at 7:04 PM.

Review and Approve minutes from Aug.13, 2015 and Aug.27, 2015 - The Aug.13 minutes were discussed. Some changes were recommended. Ms. Bachan made a motion to accept the amended minutes; the motion was seconded by Ms. Hart. The amended Aug. 13 minutes were approved by a vote of 3 to 0. The minutes from Aug. 27 were discussed. Ms. Hart made a motion to accept the minutes; Ms. Bachan seconded the motion. The Aug. 27 minutes were approved by a vote of 3 to 0 (Mr. Timm arrived after the minutes were approved).

Review draft Project Execution Plan (PEP) including metrics - Mr. Fink discussed the draft PEP. He has spoken with the NYSERDA representative, Jennifer Manierre, about attendance at the webinar. The webinar is no longer available; Jennifer provided slides from the webinar which will satisfy the requirement for the consultant (Mr. Fink) to attend. Ms. Manierre also directed Mr. Fink to concentrate on Sections 3 and 4 of the PEP for the upcoming submission to NYSERDA. Trustee Early pointed out that she and Mr. Lahey had attended the webinar last year and that attendance satisfied NYSERDA's requirement that the Code Update Committee attend. Mr. Fink said that the format of the Table of Contents needs to be updated. Ms. Manierre also advised Mr. Fink to mark Section 2 as "NA" (not applicable) at this time. He pointed to the "Mid-Hudson Regional Sustainability Plan", primarily in the areas of land use and transportation, as the source for much of 9 Indicators in Section 4. It was pointed out that there are other important indicators for the Village such as economy and drains on infrastructure; however, the emphasis from NYSERDA is on energy conservation and therefore, the emphasis in the PEP is on energy conservation. Mr. Fink reviewed the 9 indicators. There was discussion on Indicator 3 – "Average Commute Time" – which might be more correctly "Average Vehicle Commute Time" due to the use of Metro-North for commutation, which would be encouraged. Mr. Fink asked NYSERDA for PEP examples from other grant recipients; no examples have yet been made available. There was also discussion about the validity of projections 35 years in the future. CUC members were asked to provide comments on Sections 4, including the indicators, and the shaded-in areas of Section 3 to Mr.Fink by Sept.28. It was pointed out that the 29 elements (that the CUC will be addressing) are not necessarily focused on energy improvements.

Review Draft Quarterly Progress Report – Trustee Early said that Ms. Manierre provided feedback that the draft was acceptable. Trustee Early noted one change – the last row on Page 1 should be changed from "1" to "1.1". Trustee Early also pointed out that minutes from all meetings in the reporting period (in the Progress Report) must also be provided to NYSERDA; the file containing those minutes had been sent to CUC members. The last requirement to NYSERDA, for purposes of NYSERDA reimbursement, will be an accounting of CUC members' time, so Trustee Early requested that everyone fill out their timesheets up to the present date and return them as quickly as possible.

Reports:

Ms. Bachan had circulated a file evaluating clarity and consistency. She used, as source material, Mr. MacDonald's comments on deficiencies in the Zoning Code from 2009 (sent to the Special Board which was drafting the Comprehensive Plan), the Greenplan comments on deficiencies in the Zoning Code from 2010 (again, sent to the Special Board) and the Village Code. Since clarity and consistency are in the last grouping of topics, it was recommended that this analysis be deferred.

Ms. Hart reported on the topic of parking. Section 134 of the Code identifies the required amount of parking in each type of district. Another Section of the Code (134-18) deals with a business' change of use and the use of a waiver in lieu of off street parking provided by individual businesses. The fee is a one time \$250. The feeling was that the Code is ambiguous. Mr. Fink offered that, in general, the Code would not specify a fee but would refer to the Village's Fee Schedule which is where fees are identified. The Fee Schedule could be amended by resolution. Discussion included should the waiver be an annual fee? Does the fee make sense at all? There was a sentiment that an annual fee would be a detriment to new businesses. Also, the NYSEDA metrics deal with weekday mileage, while the parking problem occurs on weekends. Should the metrics be expanded to address weekend travel alternatives such as rail, boat, etc.? Another section of the Code (Chapter 127) deals with residential parking permits. There was discussion concerning the CUC's role in addressing the parking problem on Main Street. The CUC's mission is to update the Code; that mission does not include finding solutions to the parking problem.

Mr. MacDonald reported on livable floor area. There is limited discussion of the topic in the Code other than a minimum of 600 square feet per dwelling unit. The NYS Building Code requires minimum dimensions per room, not livable floor area; using those dimensions, a studio apartment would be required to have a minimum of 340 square feet. Further, the Building Code states that every dwelling unit should have at least one room of 120 habitable square feet; if there are other habitable rooms, they must have a minimum of 70 square feet. Kitchens and bathrooms are not considered habitable space. Habitable rooms must have a dimension of at least 7 feet in any horizontal direction. Habitable space is only counted in areas of a room where the ceiling (or portions of the ceiling) are 5 feet high or higher (dormers factor into this). It was agreed that there would be a limit of one accessory apartment per one lot in an R-1 district. And that there would be a cap of 50 accessory apartments in the Village, renewed on an annual basis by special permit. A change of ownership would require the new owner would have to reapply. Structures that house an accessory apartment must be owner occupied. Separate entrances cannot be obvious; that is, an entrance to the accessory apartment must be on the side or the rear of the structure or accessible via an interior entrance (off a hallway, for example). If the owner of a structure which has an accessory apartment vacates the structure, the special permit expires. As for the size of an accessory apartment, it was agreed that there would be no specification of minimum size in the Village Code, and the dimensions in the NYS Building Code would prevail. It was agreed that accessory apartments would not be permitted in the R-3, B-3, B-4, B-4A, I-1 and I-2 districts; accessory apartments would be permitted in the R-1, B-1 and B-2 districts with a special permit. The topic of parking for accessory apartments was discussed but no agreements were reached.

Assignments for the next meeting:

- Ms. Hart - parking
- Mr. Timm – research waterfront recreation
- Ms. Bachan – discuss consistency and clarity

Ms. Hart moved to adjourn the meeting and Mr. Timm seconded the motion. The meeting adjourned at 9:18 P.M.

Respectfully submitted by

Marie Early